



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2281-99

30 August 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 August 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The record provided for the Board's review is incomplete. However, available records reveal that you enlisted in the Navy on 8 September 1992 for four years as an AA (E-2). The record reflects that you were advanced to AN and served without incident for more than 23 months. However, during the six month period from August 1994 to February 1995 you received two nonjudicial punishments (NJP) for dereliction of duty, improper actions and language towards and around female members of the naval service, and an unspecified brief period of unauthorized absence. You changed your rate to AMSAN on 16 December 1995.

On 19 June 1996, you received your third NJP, the facts and circumstances of which are not shown in the record. The enlisted performance record (page 9) indicates you were reduced in rate to to AMSAA. On the same date, you were formally counseled for drunk driving and warned that failure to take corrective action could result in processing for administrative separation.

You were honorably released from active duty on 7 September 1996, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to an individual separated in pay grade E-1 or E-2 at the expiration of enlistment. The three NJPs also provided a basis for a non-recommendation for reenlistment and assignment of an RE-4 reenlistment code. Since you have been treated no differently than others separated under similar circumstances, the Board could find no error or injustice in your assigned reenlistment code. The Board concluded that the reenlistment code is proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director